

**BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
NOVEMBER 7, 2005**

The regular meeting of the Borough Council of the Borough of Rocky Hill was called to order by Mayor Brian Nolan at 7:30 PM. Mayor Nolan led the Pledge of Allegiance to the Flag followed by a moment of silent meditation. Mayor Nolan noted statement of compliance that the meeting has been properly advertised in the December 31, 2004, issue of the Somerset Spectator and is being held in accordance with the Open Public Meetings Act.

Roll Call: Mr. Richard Batchelder-present, Ms. Connie Hallman-present, Ms. Peggy Harris-present, Mr. George Morren-present, Mr. Jared Witt-present, Mr. Edward Zimmerman-present.

Also present: Borough Clerk Raymond Whitlock, Borough Attorney Albert Cruz

**APPROVAL OF MINUTES**

Regular Meeting Minutes – October 17, 2005 – Motion to approve the minutes was made by Morren with a second by Zimmerman. Motion carried on roll call vote – all ayes.

Executive Session Minutes – October 17, 2005 – Motion to approve the minutes was made by Hallman with a second by Harris. Motion carried on roll call vote – all ayes.

**PUBLIC COMMENTS**

The floor was opened to the public for comments/questions. Hearing none, the floor was closed.

**ENGINEER'S REPORT**

Carried to next meeting.

**APPROVAL OF VOUCHERS/BILL LIST**

**Resolution**

WHEREAS, the Treasurer has certified that sufficient funds are available to pay said vouchers, BE IT, THEREFORE, RESOLVED, that the following vouchers be approved for payment. Motion to approve the resolution was made by Batchelder with a second by Hallman. Motion carried on roll call vote – all ayes. (See Appendix 1 for Bill List)

**COMMITTEE REPORTS:**

**Administration and Records** – No report at this time.

**Buildings & Grounds** – No report at this time.

**Finance & Insurance** – Mr. Batchelder distributed copies of Account Balances as of 11/7/05. Tax Collector's report for October 2005 was received. Copy of Fire Department financial report was received. It was noted that there were no issues of concern and the report will be on file in the Borough Clerk's Office. Mr. Batchelder informed all of a recent e-mail virus that has been addressed by QSend.

**Public Safety & Emergency Services** – Mr. Morren provided an overview of the Constables' activities. Mr. Morren advised of the new communications transition for emergency services to the County noting a need for upgrade of radios for the rescue squad and fire department personnel at a cost of approximately \$55,000. It was suggested that grants or other funding sources should be explored. The transition period is anticipated to take over a year, and more information will be forthcoming.

**Streets & Roads** – No report at this time.

**Water, Sewer & Environmental Protection** – Ms. Hallman summarized utilization report for October as submitted by Superintendent Larry Merk. In regard to the issue of tree pieces/logs left over on residents' properties from clean-up day, Ms. Harris will contact Engineer Tanner and request he bring the waste removal contract to the next meeting so that clarification can be made as to what to do with these materials.

**Council Representative to Planning Board** – No report at this time; meeting rescheduled for November 15, 2005.

**Council Representative to School Board** – No report at this time.

**Council Representative to Board of Health** – Ms. Hallman reported on the lower than usual turn-out for the recent flu clinic. It was noted that Montgomery Township will be holding a clinic in December for residents that are still in need. Notice will be put on the website for same.

**Zoning Official** – No report at this time.

**Grants Committee** – Ms. Harris reported on the activities of the Grants Committee to include the various grant requests filed with the DOT, application for the handicapped ramp for the library, and trails grants. It was noted that the fire department did not receive any monies from FEMA. In regard to the recent award of the trails grant for the County Park, Councilman Zimmerman requested clarification as to the terms of the grant award in relation to any obligation to Montgomery Township. Attorney Cruz advised that Montgomery Township was awarded a similar grant and the grant to the Borough is exclusive to the Borough.

Mayor Nolan requested that the items "Grants Committee" and "Community Group" be added to the Committee Reports portion of the agendas.

## **SPECIAL BUSINESS**

### **Receive and review bids – Borough Drainage Improvements Project**

Bid summary was received by Engineer Tanner. The project is to include drainage improvements for Princeton Ave., Crescent Ave., and the pond. Based on recommendation by Engineer Tanner, motion to award the bid to JML Landscaping of Neshanic Station, NJ, for the amount of \$62,830.58, was made by Morren with a second by Harris. Motion carried on roll call vote – all ayes.

### **Review and possible introduction of Ordinance #7-2005, AN ORDINANCE GRANTING A (20) YEAR NON-EXCLUSIVE FRANCHISE TO SUNESYS, INC. RENEWABLE FOR THREE (3) TEN YEAR TERMS FOR THE USE OF A LIMITED PORTION OF THE BOROUGH OF ROCKY HILL'S PUBLIC ROAD RIGHTS-OF-WAY FOR THE PURPOSE OF TELECOMMUNICATIONS TRANSMISSION SERVICE.**

Response to the Borough's concerns from the last meeting has not been addressed to date by representatives from Sunesys. Action held over until next meeting.

**Introduction of Borough Fee Ordinance** – carried over to next meeting at request of Attorney Cruz.

## **COMMUNICATIONS**

Correspondence as outlined on the agenda was reviewed and ordered filed. Mayor Nolan reported on correspondence received by him disseminating materials to the appropriate Council representatives. A survey request to be completed by Mayors regarding eminent domain will be completed by Mayor Nolan; letter from Jeanette Muser was received requesting to not be reappointed to the Heritage and Cultural Commission; new regulations with regard to gifts to public officials were received; notice was received from Montgomery Township of a site plan/subdivision committee meeting being held this evening regarding the proposed WAWA along with notice of public hearing to be held on November 14, 2005.

## **UNFINISHED BUSINESS:**

**Princeton Ave. Sidewalks** – Clerk Whitlock reported that he and Engineer Tanner met with Ms. Soika who has related that she is not in favor of the construction of a sidewalk in front of her property. Ms. Harris will request Engineer Tanner to bring a plan design before Council to explore the Borough's options.

**Smart Bill Resolution** – No action taken at this time.

**Disposition of Rocky Hill Tennis Association Bank Account** – It has been determined that there is approximately \$1500.00 in this account. Attorney Cruz reviewed the Borough's ordinance establishing this account. He related that the account was established in favor of the municipality, however, there was also a tennis association formed as a non-governmental entity that was associated with the account. Clerk Whitlock will obtain a copy of the signatories on the account along with the tax ID number so that further research may be done to aid in closing out the account.

**Borough Pavilion Funding** – Councilman Zimmerman reported that additional funding is needed in the amount of approximately \$10,000 for the construction of the pavilion. Council representatives were requested to review their respective budgets for fund availability.

**Reorganization Meeting for 2006** – Mayor Nolan requested Council's interest in holding the 2006 reorganization meeting on January 1. It was noted that several members would not be available on that particular day. It was agreed to discuss the matter further for future interest in a January 1 reorganization date after the currently scheduled 2006 reorganization meeting.

**Wellhead Protection Ordinance** – Attorney Cruz advised that this ordinance is still under review by the DEP and additional information needs to be provided supporting the Borough's need for greater protection than what is mandated by the DEP. Special Consulting Engineer Paul Ferriero is available to provide the requested analysis on behalf of the Borough. Motion was made by Morren with a second by Harris to allocate the expenditure of funds not to exceed \$3,000.00 and authorize Engineer Ferriero to review what is required by the DEP in support of our ordinance. Engineer Ferriero will be requested to submit a quote prior to developing any formal response to the DEP. Motion carried on roll call vote – all ayes.

**Schafer Development Application** – Mayor Nolan apprised the Board of the status of this application before the Planning Board noting that the public hearing process may begin in January 2006. It was suggested that an alternate site for the hearing be explored to allow for adequate space. Clerk Whitlock will contact the First Reformed Church as to the availability of their meeting room for use by the Borough for approximately 3-5 months.

## **NEW BUSINESS:**

**Discussion of Possible Use of South Bound Brook Police for Court Protection** – It was noted that the NJSP have not been available during Rocky Hill Court sessions for Court protection purposes. Mr. Morren will again request a commitment from NJSP for court protection and report back with their response at the next meeting. As an alternative, it was suggested that the services of the South Bound Brook Police Department be retained for Court sessions to ensure adequate protection. Mayor Nolan and Council

Members Harris and Morren will discuss these issues with representatives from the NJSP and South Bound Brook Police Department.

Also discussed was the need for a local towing business in response to complaints received about vehicles being towed a considerable distance from town and whether there is a need for a towing ordinance. It was suggested to request South Bound Brook to add a local towing company to their existing rotating list if possible. The establishment of a local towing ordinance will be explored.

**Veterans' Memorial Building** – Mayor Nolan advised of correspondence received from individuals involved in the construction of a veterans' memorial building in Montgomery Park in Montgomery Township. Request is being made as to whether the Borough would be interested in having their veterans included on this memorial. It was agreed to forward this request to Al Robotti as a VFW member requesting he provide his opinion of the request to Mayor and Council.

**Mayor's Newsletter** – Mayor Nolan apprised Council of items to be included in his Fall newsletter and requested any additional suggestions for inclusion to be forwarded to him as soon as possible.

### **PUBLIC COMMENT**

Bill O'Brien, resident, appeared on behalf of residents of Merritt Lane and Lemoire Circle to express their outrage of the proposed WAWA in Montgomery Township. Mr. O'Brien stated that residents will be attending the November 14<sup>th</sup> public hearing in opposition of the application and requested Mayor and Council's support with contacting the Commissioner of the DEP for additional support with environmental concerns.

### **EXECUTIVE SESSION:**

Motion by resolution to move into executive session was made by Morren with a second by Harris to discuss: Matters of possible litigation – Proposed WAWA in Montgomery Twp. at Rocky Hill Borough's western border. Motion carried on roll call vote – all ayes.

### **RESULTS OF CLOSED SESSION:**

Motion to return to open session was made by Batchelder with a second by Morren. Motion carried on roll call vote – all ayes. It was agreed that the services of a hydrogeology consultant should be retained to present the Borough's concerns of the proposed WAWA in Montgomery Township from an environmental perspective. Motion to allocate the amount of \$125/hr. (not to exceed \$3,000.00) and to retain the services of Matt Mulhall of M2 Associates was made by Morren with a second by Harris. Motion carried on roll call vote – all ayes. Motion was made by Harris with a second by Witt to authorize Mayor Nolan and Councilman Morren to finalize reports and recommendations with consulting professionals for presentation by those professionals at the November 14, 2005, Montgomery Township Planning Board public hearing. Copies of all finalized reports will be provided to Council members.

### **ADJOURNMENT:**

Motion to adjourn the meeting at 9:40 PM was made by Batchelder with a second by Hallman. Motion carried on voice vote – all ayes.

Respectfully submitted:

Donna M. Griffiths  
Deputy Clerk

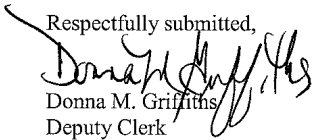
APPROVED FOR RELEASE TO OPEN SESSION 12/17/07

BOROUGH OF ROCKY HILL  
COUNCIL MINUTES  
EXECUTIVE SESSION

November 7, 2005

Mayor Nolan provided a status update of meetings held by the Montgomery Township Planning Board and reports by the special consultants retained for the Borough's representation in regard to the proposed WAWA in Montgomery Township along the western border of Rocky Hill.

Respectfully submitted,

  
Donna M. Griffiths  
Deputy Clerk